

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS RUSSELL BOARDMAN,

Petitioner,

v.

JEFFREY A. UTTECHT, *et al.*,

Respondents.

CASE NO. C21-5428-JCC

ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, Chief United States Magistrate Judge (Dkt. No. 15). In the R&R, Judge Creatura recommends Petitioner’s habeas petition (Dkt. No. 7) be dismissed with prejudice. (Dkt. No. 15 at 7.) He further concluded no evidentiary hearing is required and a certificate of appealability should be denied. (*Id.*) Petitioner filed untimely objections to the R&R. (Dkt. No. 18.) While, therefore, not required, the Court has nevertheless reviewed Petitioner’s objections *de novo*. Based on this review, the Court finds that Judge Creatura properly concluded that the habeas petition is time-barred. (Dkt. No.15 at 3–4.)

Petitioner argues the statute of limitations was tolled when he sought postconviction review. (Dkt. No. 18 at 1–2.) But Judge Creatura notes that Petitioner’s personal restraint petition only tolled the limit for Petitioner to file his habeas petition for one year—from October 7, 2019 to October 6, 2020; meaning the limit expired on November 27, 2020. (Dkt. No. 15 at 4.) Yet

1 Petitioner signed and submitted his federal habeas petition on July 20, 2021. (Dkt. 7.) Therefore,  
2 it is time-barred.

3 Accordingly, the Court ORDERS:

- 4 1. Plaintiff's objections (Dkt. No. 18) are OVERRULED.
- 5 2. The R&R (Dkt. No. 15) is ADOPTED.
- 6 3. Petitioner's federal habeas petition (Dkt. No. 7) is DENIED and this action is  
7 DISMISSED with prejudice.
- 8 4. A certificate of appealability is DENIED and permission to proceed *in forma pauperis* is  
9 REVOKED for the purpose of any appeal.
- 10 5. The Clerk is DIRECTED to send copies of this order to Petitioner, to Defense Counsel,  
11 and to Judge Creatura.

12 DATED this 3rd day of January 2022.

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16 John C. Coughenour  
17 UNITED STATES DISTRICT JUDGE  
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